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DOC #:

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MEMO ENDORSED

March 22, 2013 The Application is granted.

SO ORDERED:

Paul S. Boxer

Paul G. Gardephe, U.S.D.J.

Dated: March 27, 2013Oral argument will
take place on April 9,

2013 at 12:30 p.m.

Defense submission
is due by April 1,

2013. Plaintiff's

Reply is due
on April 5,

2013.

BY FACSIMILE

Hon. Paul G. Gardephe
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 920
 New York, NY 10007

Re: Bellard v. GFI Brokers LLC, 13 Civ. 1772 (PGG)

Dear Judge Gardephe:

We represent the defendant in the above-captioned proceeding and are following up on a call that counsel for both parties had with Your Honor's Courtroom Deputy Clerk regarding an adjournment of the schedule set in an order to show cause in this matter. The order to show cause provides that defendant's opposition papers are due on March 22, plaintiff's reply papers are due on March 27, and an appearance is scheduled before the Court on April 3 at 3:15. The parties have agreed to a short adjournment of this schedule, subject to the Court's availability and approval, and the Courtroom Deputy Clerk advised us to submit this letter with proposed dates on which counsel for both parties are available for an adjourned appearance before the Court. Counsel for both parties are available for the appearance at any time on April 8 or 9. We understand that the Court has a trial that week, and if the Court is unavailable for this appearance on April 8 or 9, then counsel for the parties propose that the appearance be scheduled for April 5. We propose to agree on a briefing schedule that would provide for defendant's opposition papers to be submitted at least eight days before we appear before Your Honor and for plaintiff's reply papers to be submitted at least three days before the appearance.

The parties are uncertain whether the Court will conduct an evidentiary hearing or an oral argument on the return date. Plaintiff requests an evidentiary hearing while defendant prefers an oral argument with an evidentiary hearing to be scheduled if necessary. The parties respectfully request guidance from the Court as to whether we should be preparing for an oral argument or an evidentiary hearing.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey S. Boxer".

JSB:bb

cc: David B. Wechsler, Esq. (counsel for plaintiff; by fax)